

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on
SEPTEMBER 11, 2001

)
) 03 MDL 1570 (GBD) (FJM)
) ECF Case
)
)

This document relates to: *All Cases*

**PLAINTIFFS' SUMMARY OF ALLEGATIONS AND EVIDENCE IN SUPPORT OF
THEIR THEORIES OF SPECIFIC JURISDICTION AS TO
SAUDI BINLADIN GROUP**

I. THE SEPTEMBER 11TH ATTACKS

1. On September 11, 2001, nineteen members of the al Qaeda terrorist network hijacked four commercial airliners, and used those planes as weapons in a coordinated terrorist attack upon the United States and its citizens (the "September 11th Attacks"). *See generally* Final Report of the National Commission on Terrorist Attacks Upon the United States ("9/11 Report").

2. The September 11th Attacks were part of a larger conspiracy to wage jihad against the United States, spearheaded by al Qaeda and made possible by the lavish sponsorship al Qaeda received from its material sponsors and supporters over more than a decade leading up to September 11, 2001. *See generally* 9/11 Report.

3. Absent the sponsorship of al Qaeda's material sponsors and supporters, al Qaeda would not have possessed the capacity to conceive, plan and execute the September 11th Attacks. *Id.*

II. THE ORIGINS OF AL QAEDA

4. Al Qaeda has its origins in the jihad against the Soviet occupation of Afghanistan, although the ideological foundation for the al Qaeda movement long pre-dates that conflict. *See*

generally 9/11 Report. *See also* Affirmation of Evan F. Kohlmann (“Kohlmann Affirmation”) at Exhibit 1.

5. The Soviet invasion of Afghanistan served as a rallying point for Islamic extremists in the Middle East, who flocked to Afghanistan to wage jihad against the Soviet Union. *Id.*

6. Osama bin Laden travelled to Afghanistan in 1980 to participate in the jihad, and gained prominence during this period for his role in establishing the financial and logistic infrastructure that sustained the Arab-Afghan fighters, commonly referred to as the mujahideen. According to the final report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission):

Bin Ladin understood better than most of the volunteers the extent to which the continuation and eventual success of the jihad in Afghanistan depended on an increasingly complex, almost world-wide organization. This organization included a financial support network that came to be known as the “the Golden Chain,” put together mainly by financiers in Saudi Arabia and Persian Gulf states. Donations flowed through charities and other non-governmental organizations (NGOs). Bin Ladin and the “Afghan Arabs” drew largely on funds raised by this network, whose agents roamed world markets to buy arms and supplies for the mujahideen or “holy warriors.”

7. Together with Abdullah Azaam, bin Laden founded the Maktab al Khidmat (“the Office of Services”) to facilitate the provision of financial and logistic support to the mujahideen. *See generally* 9/11 Report.

8. Throughout the Afghan jihad, Maktab al Khidmat worked in concert with a network of purported charities and relief organizations (including among others the Muslim World League, International Islamic Relief Organization, Rabita Trust, and Saudi Red Crescent Society) to provide travel documents, funds, transportation, training, facilities, arms, physical assets and other support to the mujahideen. *Id.*

9. This network of ostensible charities and relief organizations established a vast financial and logistic infrastructure to support the mujahideen opposition to the Soviet occupation of Afghanistan. *Id.*

10. At the conclusion of the Afghan jihad, bin Ladin determined that the network that supported the mujahideen in Afghanistan should not be abandoned, but rather adapted to serve as a foundation for waging a global jihad against all of the perceived enemies of Islam, and in particular, the United States.

April 19, 1988 brought victory for the Afghan jihad. Moscow declared it would pull its military forces out of Afghanistan within the next nine months. As the Soviets began its withdraw, the jihad's leaders debated what to do next.

Bin Ladin (and Abdullah Azzam) agreed that the organization successfully created for Afghanistan should not be allowed to dissolve. They established what they called a base or foundation (al Qaida) as a potential general headquarters for future jihad.

See 9/11 Report at p. 56; Kohlmann Affirmation at Exhibit 1.

11. Throughout the period of the Afghan war, Osama travelled back and forth between the war zone and his family home in Jeddah, Saudi Arabia. Along with his jihadist activities in the war, Osama was an active member of the bin Laden family business. Indeed, the bin Laden family supported his war-making in Afghanistan with contributions of money and construction equipment, used to build the infrastructure for training and sheltering the mujahedeen fighters. *See* 1996 U.S. State Department Factsheet at Exhibit 2.

III. OSAMA, AL QAEDA AND THE SUDAN

12. Despite the active support of the Arab countries, in particular Saudi Arabia which funded and transported the Arab *mujahideen*, at the conclusion of the war neither Saudi Arabia nor other Arab countries wanted to host these ideologically trained killers. Pakistan, the front-

line state which had hosted the mujahideen during the war in Afghanistan was also anxious to get rid of the Arab fighters.

13. As the Afghan jihad was ending, in 1989, radical Muslim Brotherhood leader Hassan al Turabi led a *coup d'état* and seized power in Sudan. One of his first acts was to send emissaries to Osama Bin Laden with an offer for him to relocate his new group, al Qaeda, to Sudan, “in an ongoing war against African Christian separatists in southern Sudan and also to do some road building. Turabi in return would let Bin Ladin use Sudan as a base for worldwide business operations and for preparations for jihad.” *See* 9/11 Report at p. 57.

14. Osama did so in 1991. While in Sudan, Osama bin Laden established numerous businesses to provide income for al Qaida’s operations. These business ventures included: Wadi al-Aqiq Company, Ltd, a holding firm; Ladin International Company, an import/export concern; Taba Investment Company, Ltd., a currency trading firm; al-Hijrah for Construction and Development, a construction enterprise which performed several significant infrastructure projects on behalf of the ruling National Islamic Front; and the Themar al Mubarak Company, an agricultural concern. *See* 1996 U.S. State Department Factsheet at Exhibit 2.

15. At this same time, SBG was formed by Osama and other members of the bin Laden family as a successor entity to the construction firm founded by their father in the 1930s. *See* Bakr Binladin Aff., dated January 25, 2006 (MDL Docket No. 1645, Ex. C).

16. One of the first major contracts SBG undertook, if not the first, was a major contract awarded by the al Turabi regime to its “Binladin Overseas” affiliate for the construction of the airport in Port Sudan. *See* Omar Binladin Aff., dated January 25, 2006 (MDL Docket No. 1645, Ex. B).

17. The airport construction project took place between February 1990 and mid-1992, the exact period of time in which al Qaeda was relocating from Afghanistan/Pakistan to Sudan.

There remains significant evidence that Osama (still an SBG principal at the time) had an oversight role with the Port Sudan project. *See* 1996 U.S. State Department Factsheet at Exhibit 2.

18. By SBG's own admission, while Osama continued to serve as a shareholder and director of the company, he visited the Port Sudan construction site accompanied by Sudanese government officials. *See* Musa Dawoud Musa Mustafa Aff., dated Sept. 26, 2006, at ¶¶ 3-6 (MDL Docket No. 2291).

19. Moreover, it was on October 28, 1991 that the family transferred \$482,034.37 (his original deposit, plus accrued interest, less banking fees) to his half-brother Haider for Osama's use, and "there is no indication it was withheld from Osama." *See Exhibit 3*, Steven Coll, *The Bin Ladens*, at p. 383.

20. Turabi himself confirmed Osama's involvement in the Port Sudan Airport project in a 1998 interview with the Arabic-language MBC TV:

For those who know nothing about Saudi Arabia, Bin Laden has the biggest family and construction company that builds roads and institutions. **He came to Sudan as a branch of this company. He built the road linking Khartoum to the north, which could have been extended to reach Port Sudan. He also built the Port Sudan airport.** He stayed away from the social life in Sudan. He also set up an agriculture project in Sudan. He was a struggler, and he had full US and Arab backing when he was struggling in Afghanistan. After that, he was not expelled from Sudan by the Sudanese and did not leave because he hated Sudan. He just did not want to cause an embarrassment in the relations with Saudi Arabia, which stripped him of his nationality.

See Exhibit 4, BBC Monitoring Service, Middle East, September 12, 1998, Recorded Interview with Sudanese National Assembly Speaker Hasan Al-Turabi (emphasis added).

21. According to the 9/11 Commission Report, Osama bin Laden's plans and global terrorist goals were clear at this time:

Bin Ladin began delivering diatribes against the United States before he left Saudi Arabia. He continued to do so after he arrived in Sudan. In early 1992, the al Qaeda leadership issued a fatwa calling for jihad against the Western "occupation" of Islamic lands. Specifically singling out U.S. forces for attack, the language resembled that which would appear in Bin Ladin's public fatwa in August 1996. In ensuing weeks, Bin Ladin delivered an often-repeated lecture on the need to cut off "the head of the snake."

By this time, Bin Ladin was well-known and a senior figure among Islamist extremists, especially those in Egypt, the Arabian Peninsula, and the Afghanistan-Pakistan border region. Still, he was just one among many diverse terrorist barons. Some of Bin Ladin's close comrades were more peers than subordinates. For example, Usama Asmurai, also known as Wali Khan, worked with Bin Ladin in the early 1980s and helped him in the Philippines and in Tajikistan. The Egyptian spiritual guide based in New Jersey, the Blind Sheikh, whom Bin Ladin admired, was also in the network. Among sympathetic peers in Afghanistan were a few of the warlords still fighting for power and Abu Zubaydah, who helped operate a popular terrorist training camp near the border with Pakistan. There were also rootless but experienced operatives, such as Ramzi Yousef and Khalid Sheikh Mohammed, who-though not necessarily formal members of someone else's organization-were traveling around the world and joining in projects that were supported by or linked to Bin Ladin, the Blind Sheikh, or their associates.

22. According to the 9/11 Commission Report, Osama bin Laden used his time in Sudan, while still an SBG principal, to build his terrorist army:

Bin Ladin moved to Sudan in 1991 and set up a large and complex set of intertwined business and terrorist enterprises. In time, the former would encompass numerous companies and a global network of bank accounts and nongovernmental institutions. Fulfilling his bargain with Turabi, Bin Ladin used his construction company to build a new highway from Khartoum to Port Sudan on the Red Sea coast. Meanwhile, al Qaeda finance officers and top operatives used their positions in Bin Ladin's businesses to acquire weapons, explosives, and technical equipment for terrorist purposes. One founding member, Abu Hajer al Iraqi, used his position as head of a Bin Ladin investment company to carry out procurement trips from western Europe to the Far East. Two others, Wadi al Hage and Mubarak Douri, who had become acquainted in Tucson, Arizona, in the late 1980s, went as far afield

as China, Malaysia, the Philippines, and the former Soviet states of Ukraine and Belarus.

Bin Ladin's impressive array of offices covertly provided financial and other support for terrorist activities. The network included a major business enterprise in Cyprus; a "services" branch in Zagreb; an office of the Benevolence International Foundation in Sarajevo, which supported the Bosnian Muslims in their conflict with Serbia and Croatia; and an NGO in Baku, Azerbaijan, that was employed as well by Egyptian Islamic Jihad both as a source and conduit for finances and as a support center for the Muslim rebels in Chechnya. He also made use of the already-established Third World Relief Agency (TWRA) headquartered in Vienna, whose branch office locations included Zagreb and Budapest. (Bin Ladin later set up an NGO in Nairobi as a cover for operatives there.)

Bin Ladin now had a vision of himself as head of an international jihad confederation. In Sudan, he established an "Islamic Army Shura" that was to serve as the coordinating body for the consortium of terrorist groups with which he was forging alliances. It was composed of his own al Qaeda Shura together with leaders or representatives of terrorist organizations that were still independent. In building this Islamic army, he enlisted groups from Saudi Arabia, Egypt, Jordan, Lebanon, Iraq, Oman, Algeria, Libya, Tunisia, Morocco, Somalia, and Eritrea. Al Qaeda also established cooperative but less formal relationships with other extremist groups from these same countries; from the African states of Chad, Mali, Niger, Nigeria, and Uganda; and from the Southeast Asian states of Burma, Thailand, Malaysia, and Indonesia. Bin Ladin maintained connections in the Bosnian conflict as well. The groundwork for a true global terrorist network was being laid.

Bin Ladin also provided equipment and training assistance to the Moro Islamic Liberation Front in the Philippines and also to a newly forming Philippine group that called itself the Abu Sayyaf Brigade, after one of the major Afghan jihadist commanders. Al Qaeda helped Jemaah Islamiya (JI), a nascent organization headed by Indonesian Islamists with cells scattered across Malaysia, Singapore, Indonesia, and the Philippines. It also aided a Pakistani group engaged in insurrectionist attacks in Kashmir. In mid-1991, Bin Ladin dispatched a band of supporters to the northern Afghanistan border to assist the Tajikistan Islamists in the ethnic conflicts that had been boiling there even before the Central Asian departments of the Soviet Union became independent states.

This pattern of expansion through building alliances extended to the United States. A Muslim organization called al Khifa had

numerous branch offices, the largest of which was in the Farouq mosque in Brooklyn. In the mid 1980s, it had been set up as one of the first outposts of Azzam and Bin Ladin's MAK. Other cities with branches of al Khifa included Atlanta, Boston, Chicago, Pittsburgh, and Tucson. Al Khifa recruited American Muslims to fight in Afghanistan; some of them would participate in terrorist actions in the United States in the early 1990s and in al Qaeda operations elsewhere, including the 1998 attacks on U.S. embassies in East Africa.

See 9/11 Report at 57-58.

IV. **OSAMA'S ANTI-AMERICAN VIEWS**

23. It was Osama bin Laden's expressed anti-American views, not anti-Saudi views, which led to his divestment by the Bin Laden family and eventually the revocation of his citizenship by the Saudi government.

24. It was by 1992 that Osama bin Laden and other senior al Qaeda leadership issued a formal *fatwah* specifically calling for jihad against the United States and other Western allies, marking the point by which SBG and others were on full notice that any support provided to Osama would inevitably support a violent attack against the United States. *See* 9/11 Report at p. 59.

25. On at least one occasion, Osama refused to partake in an Islamist petition drive as "he didn't want any conflict with the Saudi government." *See Exhibit 5*, Steven Coll, *The Bin Ladens*, at p. 379.

26. In April 1993, the Saudi Deputy Minister of the Interior stated unequivocally that there were no harmful or anti-Saudi demonstrations, inflammatory speeches, distribution of cassettes or Islamic extremists that violated the law. *See Exhibit 6*, Ashton Plaintiffs' Discovery Document (ASH013379).

27. There is no evidence of Osama's strident anti-Saudi statements until *after* the revocation of his citizenship by the Saudi government. *See Exhibit 7*, Ashton Plaintiffs' Discovery Document (ASH010512).

28. The official statement accompanying the revocation of his citizenship does not at all refer to anti-Saudi activities but instead implies anti-foreign activities: “Considering Osama bin Ladin's irresponsible conduct that is contrary to the Kingdom's interests and damages its relationship with friendly countries, and his disregard for the instructions conveyed to him,” his citizenship was stripped. *See Exhibit 8*, SBG Discovery Document (T0000000101).

29. Osama’s later anti-Saudi statements were as a *result* of the revocation of his citizenship, not the *cause* of it. A 1996 CIA report circulated widely by the U.S. State Department states exactly that: “In February 1994, Riyadh revoked Bin Ladin’s Saudi citizenship . . . *The move prompted* Bin Ladin to form the Advisory and Reformation Committee, a London-based dissident organization that by July 1995 had issued over 350 pamphlets critical of the Saudi government.” *See* 1996 U.S. State Department Factsheet at *Exhibit 2* (italics added).

30. Osama’s anti-American sentiments, however, ran deeper. Osama has stated that his hatred of America began when U.S. warships protected the Israelis invading Lebanon in 1982. *See* Lawrence Wright, *The Looming Tower* at p. 405.

31. Given their familial relationship and the family’s role in supporting Osama during the Afghan jihad, it is beyond any reasonable doubt that his family members were aware of his plans to carry out jihad against the United States from the time of al Qaeda’s formation in 1988, and they were certainly aware of intention to attack America by 1990, when Osama was filmed speaking, just after evening prayers, to an audience of hundreds in the Bin Laden family mosque in Jeddah. “The Americans won’t stop their support of Jews in Palestine until we give them a lot of blows. They won’t stop until we do jihad against them.” *See* Wright, *The Looming Tower*, pp. 150-51, 405.

32. At the time, all SBG directors lived directly behind the family mosque. *See* Bakr Binladin Aff., dated June 2, 2010 (MDL Docket No. 2285).

33. Shortly afterwards, Iraq invaded Kuwait, and as a consequence US troops were stationed in Saudi Arabia. This action, more than anything else, is what prompted Osama's animus towards the Saudi rulers. As the 9/11 Commission Report concluded:

In August 1990, Iraq invaded Kuwait. Bin Ladin, whose efforts in Afghanistan had earned him celebrity and respect, proposed to the Saudi monarchy that he summon mujahideen for a jihad to retake Kuwait. He was rebuffed, and the Saudis joined the U.S.-led coalition. After the Saudis agreed to allow U.S. armed forces to be based in the Kingdom, Bin Ladin and a number of Islamic clerics began to publicly denounce the arrangement. The Saudi government exiled the clerics and undertook to silence Bin Ladin by, among other things, taking away his passport....

Bin Ladin began delivering diatribes against the United States before he left Saudi Arabia. He continued to do so after he arrived in Sudan. In early 1992, the al Qaeda leadership issued a fatwa calling for jihad against the Western "occupation" of Islamic lands. Specifically singling out U.S. forces for attack, the language resembled that which would appear in Bin Ladin's public fatwa in August 1996. In ensuing weeks, Bin Ladin delivered an often-repeated lecture on the need to cut off "the head of the snake."

See 9/11 Report at p. 57.

34. The 9/11 Commission Report further noted, "Though novel for its open endorsement of indiscriminate killing, Bin Ladin's 1998 declaration was only the latest in the long series of his public and private calls since 1992 that singled out the United States for attack." *See 9/11 Report at p. 48.*

35. During this period in Jeddah, Osama was also active in supporting the radical Islamists of Yemen in the civil war in that country, as well as the Egyptian Islamic Jihad terrorist group. *See Exhibit 9, SBG Discovery Document (T000000076).*

36. Indeed, former Saudi Intelligence Director Prince Turki al-Faisal al-Saud made clear in a February 2006 event with the Council on Foreign Relations that they were "aware" of Osama's role as the head of an Islamic jihadist army no later than 1989:

I met Osama bin Laden five times in my life as intelligence director. Mid-'80s to end of 1989 or beginning of 1990 was the last time I saw him. And when the withdrawal of Soviet troops in Afghanistan occurred, bin Laden and his supporters within Afghanistan—and by the way, that's where al Qaeda was born. As I like to—prefer to say, the al Qaeda was born in the hills of Afghanistan rather than in the deserts of Saudi Arabia. And they decided that they were going to form a group that will, in their view, protect Muslim interests throughout the world as they identified themselves as being the primary claimants to the credit of driving the Soviets out of Afghanistan.

And so, by 1990 when I last saw him at the beginning of that year, he had come to me with a proposition that he wants to bring his Mujahedeen as he called them, to liberate the then-Marxist regime in south Yemen. And I advised him that that was not the right time to do it because there were other factors playing there politically and economically. South Yemen was being—not a favorite word of mine—weaned away from the Soviet Union at that time. So, he left and that was the last that I saw of him.

He then remained in the kingdom for another two years after that, sometimes going to mosques and preaching without taking permission to do so and being arrested for doing that and reprimanded and then let go.

And I think at the end of 1992—perhaps Mr. Rubin can correct me on that—he asked for permission to leave Saudi Arabia. And he left and went to Afghanistan. And he went from there in—end of 1993 he went to the Sudan, and that's when he began operating against the kingdom from the Sudan. He was stripped of his Saudi citizenship in 1994. His financial assets were frozen at that time and even his personal family disowned him in public at that time.

By 1996, he moved from the Sudan to Afghanistan and it went on from there. **So we were pretty much aware of bin Laden from the very beginning, if you like.** Not perhaps so much in terms of how dangerous he could be, but as he grew and as his movement grew, people became more aware of his danger.

See Exhibit 10, “A Conversation With Prince Turki Al-Faisal,” Council for Foreign Relations (February 13, 2006).

37. By 1990, Osama had financed the trip of 4000 militants to Afghanistan for terrorist training. *See Exhibit 11*, Jason Burke, “The Making of the World’s Most Wanted Man,” *The Observer*, October 28, 2001.

38. Osama had further offered the Saudi royal family to form and lead an army of 30,000 Afghan veterans to expel Saddam Hussein from Kuwait. *Id.*

39. It was in Yemen, in December 1992, where Osama struck his first violent blow against the U.S. with the attempted bombing of US military personnel staying in a hotel in Aden where troops often stayed en route to Somalia. *See 9/11 Report* at pp. 59-60, 108-09.

40. By April 1993, U.S. intelligence was confident of Bin Laden’s role in the attack. As the Congressional Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001 noted:

In December 1992, as U.S. military forces were deploying to Somalia as part of a United Nations operation to provide humanitarian assistance to a starving population, Islamic extremists attacked a hotel in Aden, Yemen housing U.S. service members supporting that operation. **An Intelligence Community paper from April 1993 concluded that “[Bin Ladin’s] group almost certainly played a role” in that attack.** An article from an April 1993 National Intelligence Daily also took note that three to four hundred Islamic militants had received training the previous year at military camps in Afghanistan funded by Persian Gulf Arabs. One camp was run by an Egyptian and funded by Bin Ladin

41. Moreover, such suspicions had already been aired globally via the New York Times. *See Exhibit 12*, Chris Hedges, “Muslim Militants Share Afghan Link,” *The New York Times* (March 28, 1993):

Yemeni officials contend that Afghanistan veterans in Yemen, financed by Osama Binladen, a wealthy Saudi militant and former Afghan guerrilla now living in Khartoum, Sudan, have been behind a series of attacks, including two bombs in Aden hotels last year that killed an Australian tourist.

42. Not only was he attacking American interests in Yemen, but as the 9/11

Commission Report found, in nearby Somalia as well:

After U.S. troops deployed to Somalia in late 1992, al Qaeda leaders formulated a fatwa demanding their eviction. In December, bombs exploded at two hotels in Aden where U.S. troops routinely stopped en route to Somalia, killing two, but no Americans. The perpetrators are reported to have belonged to a group from southern Yemen headed by a Yemeni member of Bin Ladin's Islamic Army Shura; some in the group had trained at an al Qaeda camp in Sudan.

Al Qaeda leaders set up a Nairobi cell and used it to send weapons and trainers to the Somali warlords battling U.S. forces, an operation directly supervised by al Qaeda's military leader. Scores of trainers flowed to Somalia over the ensuing months, including most of the senior members and weapons training experts of al Qaeda's military committee. These trainers were later heard boasting that their assistance led to the October 1993 shoot down of two U.S. Black Hawk helicopters by members of a Somali militia group and to the subsequent withdrawal of U.S. forces in early 1994.

See 9/11 Report at pp. 59-60.

43. As former al Qaeda member Jamal al-Fadl testified in 2001 at the embassy bombings trial, Osama told his al Qaeda comrades in late 1993 that the American army had come to the Horn of Africa, "and we have to stop the head of the snake. He said that the snake is America, and we have to stop them. We have to cut the head and stop them."

44. According to the timeline provided by Bakr Bin Laden, it was two months after the NYT article regarding Osama and Yemen that SBG began taking measures against Osama, and the following year in which Osama was stripped of Saudi citizenship. *See* Bakr Binladin Aff. at ¶¶ 4-5.

V. **SAUDI BINLADIN GROUP'S CONTINUING SUPPORT OF OSAMA BIN LADEN**

45. According to the 9/11 Commission's *Monograph on Terrorism Financing*, Osama received about a million dollars per year in support from his family starting in 1970 – \$20-25 million in all, therefore, and at least \$5 million since the beginning of al Qaeda.

46. Given their familial relationship and the family's role in supporting Osama during the Afghan jihad, it is beyond any reasonable doubt that his family members were aware of his plans to carry out jihad against the United States from the time of al Qaeda's formation in 1988, and they were certainly aware of intention to attack America by 1990 given Osama's pronouncement at the family's own Jeddah mosque.

47. While in Sudan, Osama's continuing financial support from SBG and continuing business ties on the various construction projects they were pursuing helped strengthen Osama's ties with his hosts from the National Islamic Front, which had initially invited Osama to assist them in their ongoing war against African Christian separatists in southern Sudan, in exchange for which Turabi let Bin Ladin use Sudan as a base for preparations for jihad. *See 9/11 Report* at p. 57.

48. Indeed, while SBG and Osama were performing lucrative construction work in Sudan, a period during which Osama remained an SBG shareholder and director, Sudan was that safe haven in which Osama could grow from a single jihadist army to what the 9/11 Commission Report deemed "a true global terrorist network." *See* ¶ 22, *supra*.

49. Given the generations of strong ties between the Binladins and the Saudi royal family, dating back decades to the billions of dollars worth of construction work that SBG's predecessor organization did on behalf of the Saudi Kingdom including the royal palace and expansion of the holy places in Mecca, it is beyond any reasonable doubt that whatever Saudi

intelligence further learned about Osama's jihadist's ambitions was shared with Binladin family members in conjunction with their efforts to persuade him to return to the Kingdom.

50. Indeed, as the chairman of SBG and Binladin family leader, Bakr Binladin maintained close relationships with the most senior representatives of the Kingdom, including the King himself. *See Exhibit 13*, Steven Coll, *The Bin Ladens*, at p. 500:

Apart from Osama, the primary source of concern in Bakr's world seemed to be his relationship with the al-Saud... Bakr would leap to open the door deferentially for even a minor royal. He seemed to worry chronically about the disposition of the major Al-Saud on whom his business relied – Crown Prince Abdullah, of course, but also Prince Salman, the governor of Riyadh, and Abdulaziz bin Fahd, the son of the disabled king.

51. The Kingdom specifically enlisted Bakr and SBG in its efforts to persuade Obama to abandon his jihadist plans, sending family members on numerous missions to Khartoum from 1992-94. *See Exhibit 14*, Steven Coll, *The Bin Ladens*, at p. 401.

52. In addition, given the problems which Osama's activities presented to SBG's business interests, the company itself had strong reason to closely monitor Osama's activities and statements at all times.

53. As a result, SBG was uniquely aware of Osama's jihadist activities from the earliest date.

54. Any support SBG provided Osama from 1988 onwards, and certainly by 1990, was done with the awareness that it was for the benefit of Osama's plans for terrorist strikes against America.

VI. “DIVESTMENT,” MATERIAL SUPPORT AND THE OSAMA BIN LADEN TRUST FUND

55. SBG claims it had severed financial ties with Osama in 1993, prior to any inkling that he harbored anti-American sentiment, and that such severance was complete, totally and effective by 1993. As a closer examination of the record will confirm, this is false.

56. In fact, SBG directors and Bin Laden family members kept a financial lifeline open to Osama throughout the decade leading into the September 11 Attack.

57. In addition to SBG itself, The Mohamed Binladin Organization (MBO) was a loosely organized set of businesses established by Mohamed Binladin, father of Osama, Bakr, and the other SBG principals. Following his sudden death in 1967, King Faisal appointed trustees to oversee the organization.

58. By 1988, many of Mohamed's sons had taken on managerial roles within the organization. A senior brother, Bakr Binladin, began the process of reorganization of the businesses. According to SBG, "In 1989, as part of the natural progression in the growth of the company, various autonomous divisions were created under the umbrella of the Saudi Binladin Group (SBG)." *See* <http://web.archive.org/web/20010814095646/www.saudi-binladin-group.com/history.htm>.

59. SBG had twenty founding shareholders. All were sons of Mohamed Binladin, including Osama. *See* Bakr Binladin Aff., dated Jan. 25, 2006 (MDL Docket No. 1645, Ex. C-1).

60. One of the companies put under the umbrella of SBG was the Mohamed Binladin Company (MBC), whose shareholders included all the sons, daughters and wives of Mohamed Binladin. *See* Bakr Binladin Aff., dated Jan. 25, 2006 (MDL Docket No. 1645, Ex. C-2).

61. While SBG claims that it and MBC are not related entities, their own documents suggest otherwise. *See* archived website cited above as well as the SBG Directory portion of the SBG website. <http://web.archive.org/web/20010819131845/www.saudi-binladin-group.com/directory.htm>. *See also* Motion to Dismiss of Yeslam Binladin pp. 26, 32-33, 35 (MDL Docket No. 13.)

62. Osama had shares in MBC as well as SBG. *See* Bakr Binladin Aff., dated Jan. 25, 2006 (MDL Docket No. 1645; Ex. 2).

63. As previously noted Bakr Binladin initiated action against Osama at an January 1993 MBC board meeting to prohibit payment to Osama of his share of their profits. Bakr allegedly instructed SBG to do the same. *See* Bakr Binladin Aff., dated June 2, 2010 (MDL Docket No. 2285).

64. As the 9/11 Commission's staff *Monograph on Terrorist Financing* noted, these steps here were not undertaken by SBG voluntarily, but rather only occurred because the government compelled SBG to take some public action:

From about 1970 until 1993 or 1994, Usama Bin Ladin received about a million dollars per year—adding up to a significant sum, to be sure, but not a \$300 million fortune. In 1994 **the Saudi government forced the Bin Ladin family to find a buyer for Osama's share of the family company and to place the proceeds into a frozen account.**

65. In June 1993, shortly after US intelligence had concluded that Osama was behind the Yemen attack and the New York Times published similar claims, SBG claims that both it and MBC passed resolutions divesting Osama of his ownership of the shares. The corporate resolutions state that the actions were taken at the request of Osama Binladin, and that Osama requested that his shares be put in the charge of his brother Ghalib. *See* Bakr Binladin Aff., dated June 2, 2010 (MDL Docket No. 2285, Ex. 2).

66. The SBG resolution itself does not reflect an involuntary divestment of one already shunned by the family; it states that Osama was “represented by his lawful attorney” who “wishes” and “desired” to assign his shares to his brother Ghaleb, who did not pay for them. *Id.*

67. Moreover, SBG states that the shares in question were never “monetized” until April 2000 when \$9.8 million was placed into a trust account at the National Commercial Bank. *See* SBG Renewed MTD at 10.

68. [REDACTED] *See Exhibit 15*, SBG Discovery Document (T00000042).

[REDACTED]. *See Exhibit 16*, SBG Discovery Document (T00000043).

69. Bakr Binladin represented in a sworn affidavit that the value of OBL's shares was placed in a trust in 1993 ("the money was placed in a trust outside of Osama's control. . . My family took those actions in June 1993"). *See Bakr Binladin Aff.*, dated Jan. 25, 2006 (MDL Docket No. 1645).

70. However, he admits the money was not placed into an actual bank account until April 2000, seven years later. *See Bakr Binladin Aff.*, dated June 2, 2010 (MDL Docket No. 2285).

71. This discrepancy becomes even more significant when coupled with the fact that Bakr Binladin and Ghalib Binladin, using SBG's business address, invested substantial sums in Bank Al Taqwa from November 1993 until March 2000. Shortly after 9/11, Bank al Taqwa was named by the U.S. Treasury Department as a terrorist entity for its activities in support of al Qaeda since the 1980s.

72. According to the Treasury Department, some of Bank al Taqwa's activities were "providing indirect investment services for Al Qa'ida, investing funds for bin Laden, and making cash deliveries on request to the Al Qa'ida organization." *See Exhibit 17*, January 4, 2002 letter from United States Department of the Treasury Deputy General Counsel George B. Wolfe to Claude Nicati, Substitut du Procureur General of Switzerland.

73. These allegations are consistent with the indirect investment of Osama's funds in Bank al Taqwa by SBG.

74. SBG's record with the Court regarding the seven-year gap between alleged divestment and monetization of Osama's shares has numerous contradictions. Two examples are

the timing of the monetization of Osama's shares and contradictions as to who actually had the funds under their control for such a long period of time.

75. As to when the shares were monetized, it was either:

- a. June 16, 1993 (*See Exhibit 18*, SBG Discovery Document (T0000025) [REDACTED]).
- b. Jan 1994 (*See Exhibit 19*, SBG Discovery Document (T0000070) [REDACTED]).
- c. April 2000 (*See Exhibit 20*, SBG Discovery Document (T0000132)).
- d. Finally SBG hid behind wordsmithing and declined to state a date at all. *See Bakr Binladin Aff.*, dated January 25, 2006, at ¶8 (“[a]fter consultation with and at the direction of appropriate Saudi authorities, the money was placed in a trust outside Osama's control.”) SBG itself confirmed in a subsequent letter to the Court that “Bakr did not address when the money was deposited.” SBG Letter to Court dated January 15, 2008 (*italics in original*.)

76. The identity of who handled and received the funds pertaining to Osama's shares is equally murky depending on which SBG representation is being relied upon.

77. The document marked as T0000025 states [REDACTED].

78. [REDACTED] *See Exhibit 21*, SBG Discovery Document (T0000038).

79. However the corporate resolutions clearly demonstrate that the shares were transferred to only one shareholder/director: Ghaleb Binladin, the half-brother who had reportedly delivered as much as \$50,000 in cash directly to Osama in Afghanistan during the battle for Jalalabad in April 1989. *See Bakr Binladin Aff.*, dated June 2, 2010, (MDL Docket No. 2285, Ex. 2 and 3); *see also Exhibit 22*, Steven Coll, *The Bin Ladens*, at p. 339.

80. Ghaleb Binladin who proceeded to invest significant sums soon thereafter in Bank Al-Taqwa, a preferred al Qaeda mechanism. *See Exhibit 23*, Ashton Plaintiffs' Discovery Document (ASH13450-13460 – List of Bank Al-Taqwa Shareholders dated April 1, 1999); *Exhibit 24* (ASH13461-13474 – Audit of Ghaleb Mohammed Binladin account at Bank Al-

Taqwa dated March 31, 1998); Exhibit 25 (ASH13475-13506 – Petition of Ghalib Mohammad Binladin of Saudi Binladin Group to the Supreme Court of the Commonwealth of the Bahamas in *In the Matter of Bank Al Taqwa Limited*, dated October 21, 1999).

81. [REDACTED] *See* Exhibit 26, SBG Discovery Document (T0000039-41).

82. However none of the letters actually make this request.

83. [REDACTED] *See* Exhibit 27, SBG Discovery Document (T0000042).

84. [REDACTED] *See* Exhibit 28, SBG Discovery Document (T0000118).

85. SBG tries explaining the contradictions with a convenient rhetorical distancing backed by no evidence: “Ghaleb’s actions in acquiring OBL’s shares were undertaken in a personal capacity and not as an agent of SBG.”

VII. SBG’S CONTINUING CONTACTS WITH OSAMA BIN LADEN

86. Beyond the material support, SBG principals maintained contact with Osama via personal visits, letters, telephone calls, and via intermediaries during the years this Court has deemed relevant given the public nature of his support for anti-American terrorism.

87. SBG principals Omar bin Laden and Ghaleb bin Laden both were in phone contact with Osama after this disaffiliation – Omar in 1995, and Ghaleb repeatedly in 1998 in advance of the Embassy bombings. Omar Binladin Aff. ¶ 3.

88. Moreover, Osama’s written contact with SBG principals was pervasive and certainly not antagonistic.

89. [REDACTED] *See* Exhibit 29, SBG Discovery Document (T000057-60).

90. The tone of both letters is friendly not bitter, and the dispute between them seems closer to an oversight or clerical error than of a bitter struggle over an inheritance or the waging of battle over divvying up of corporate assets.

Respectfully submitted,

PLAINTIFFS' EXECUTIVE COMMITTEES

Date: November 18, 2010

BY:

/s/

Sean P. Carter, Esq.

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